

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**RESOLUTION 21-200
URGING THE CITY ADMINISTRATION NOT TO TERMINATE CITY EMPLOYEES
DURING A DECLARED STATE OF EMERGENCY.**

The **PROPOSED CD1** makes the following amendments:

A. Amends the 3rd WHEREAS paragraph by adding "(such as a pandemic)" after "public calamity."

B. Replaces the 5th WHEREAS paragraph with a new paragraph to read:

WHEREAS, City employees provide important and essential services such as, but not limited to: criminal justice; law enforcement; emergency response; recreation; sanitation; waste management; public transportation; traffic control; community, health, and human services; land management; facility maintenance; public works and infrastructure construction, maintenance, and repair; economic development; real property tax assessment and collection; information technology; building permit processing; vehicle licensing and registration; and elections management; and

C. Replaces the 7th WHEREAS paragraph with a new paragraph to read:

WHEREAS, Honolulu's recovery from disasters and emergencies is completely dependent on the ability of local government and its employees to protect residents, provide essential services, and promote economic development; and

D. Adds new 8th and 9th WHEREAS paragraphs to read:

WHEREAS, on August 16, 2021, the Mayor issued Directive 21-7, Amendment 1, requiring that by August 23, 2021, all City employees must be fully or partially vaccinated against COVID-19 or must have submitted to the City a medical or religious exemption request and providing that employees who fail or refuse to comply with the directive will be subject to appropriate action, up to and including termination; and

WHEREAS, at the meeting of the Council's Transportation, Sustainability and Health Committee on September 2, 2021, the Mayor stated that out of approximately 10,300 City employees, 8,840 employees are fully or partially vaccinated, approximately 400 employees, most of whom are on extended leave, have not yet confirmed whether or not they are vaccinated, 900 employees have requested a medical or religious exemption, and 49 employees have refused vaccination; and

- E. Adds new 2nd, 3rd, and 4th RESOLVED paragraphs to read:

BE IT FURTHER RESOLVED that the City Administration is urged to implement policies to retain unvaccinated City employees by offering to such employees options other than termination, including leave of absence, paid leave, remote work, or modified duties; and

BE IT FURTHER RESOLVED that the City Administration is requested to provide City employees who are terminated due to refusal to be vaccinated a generous severance package and put in place a plan to rehire the employees after the end of the pandemic or provide hiring preferences to the employees if they seek future employment with the City after the end of the pandemic; and

BE IT FURTHER RESOLVED that the City Administration is requested to transmit to the Council a monthly report on the vaccination status of City employees and the number of City employees who are terminated due to refusal to be vaccinated, including information listing each employees' department, position, and salary; and

- F. Amends the final RESOLVED paragraph by adding the Director of Human Resources as a transmitttee.
- G. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-200, CD1

PROPOSED

RESOLUTION

URGING THE CITY ADMINISTRATION NOT TO TERMINATE CITY EMPLOYEES DURING A DECLARED STATE OF EMERGENCY.

WHEREAS, the City and County of Honolulu ("City") is vulnerable to a wide range of natural and man-made hazards that may result in emergencies or disasters that threaten residents' health and safety, damage and destroy property, disrupt essential services and activities, and impede economic development; and

WHEREAS, Chapter 127A, Hawaii Revised Statutes ("HRS"), provides for the establishment of emergency management and disaster relief and confers upon county mayors emergency powers to prepare for and respond to emergencies and disasters, including the powers to prescribe rules having the force and effect of law and to suspend any county law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws applicable to emergency personnel; and

WHEREAS, Section 13-112, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, authorizes the Mayor to declare an emergency due to a public calamity (such as a pandemic); and

WHEREAS, during a declared state of emergency, City employees play a critical role in ensuring an effective response to the crisis, even though the employees or their families, or both, may be suffering from the impacts of the crisis; and

WHEREAS, City employees provide important and essential services such as, but not limited to: criminal justice; law enforcement; emergency response; recreation; sanitation; waste management; public transportation; traffic control; community, health, and human services; land management; facility maintenance; public works and infrastructure construction, maintenance, and repair; economic development; real property tax assessment and collection; information technology; building permit processing; vehicle licensing and registration; and elections management; and

WHEREAS, HRS Section 127A-8(a) provides in part that during emergencies or disasters, City officials, officers, and employees are considered "emergency workers" and may be called upon to perform emergency functions as determined by their respective department directors; and

WHEREAS, Honolulu's recovery from disasters and emergencies is completely dependent on the ability of local government and its employees to protect residents, provide essential services, and promote economic development; and



RESOLUTION

WHEREAS, on August 16, 2021, the Mayor issued Directive 21-7, Amendment 1, requiring that by August 23, 2021, all City employees must be fully or partially vaccinated against COVID-19 or must have submitted to the City a medical or religious exemption request and providing that employees who fail or refuse to comply with the directive will be subject to appropriate action, up to and including termination; and

WHEREAS, at the meeting of the Council's Transportation, Sustainability and Health Committee on September 2, 2021, the Mayor stated that out of approximately 10,300 City employees, 8,840 employees are fully or partially vaccinated, approximately 400 employees, most of whom are on extended leave, have not yet confirmed whether or not they are vaccinated, 900 employees have requested a medical or religious exemption, and 49 employees have refused vaccination; and

WHEREAS, a fully staffed City workforce during a state of emergency is a critical component in ensuring continuity of essential public services and the health, safety, and prosperity of the community; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the City Administration is urged not to terminate City employees during a declared state of emergency; and

BE IT FURTHER RESOLVED that the City Administration is urged to implement policies to retain unvaccinated City employees by offering to such employees options other than termination, including leave of absence, paid leave, remote work, or modified duties; and

BE IT FURTHER RESOLVED that the City Administration is requested to provide City employees who are terminated due to refusal to be vaccinated a generous severance package and put in place a plan to rehire the employees after the end of the pandemic or provide hiring preferences to the employees if they seek future employment with the City after the end of the pandemic; and

BE IT FURTHER RESOLVED that the City Administration is requested to transmit to the Council a monthly report on the vaccination status of City employees and the number of City employees who are terminated due to refusal to be vaccinated, including information listing each employees' department, position, and salary; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-200, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, Managing Director, and Director of Human Resources.

INTRODUCED BY:

Andria Tupola

DATE OF INTRODUCTION:

September 3, 2021
Honolulu, Hawaii

Councilmembers